

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 9, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. The meeting was recessed at 10:26 a.m. to convene as the Redevelopment Agency and thereafter convene as the Special Joint Council Meeting with the Redevelopment Agency. The regular meeting was reconvened at 10:54 a.m. with all members present. Mayor Murphy recessed the meeting at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with all members present. Mayor Murphy adjourned the meeting at 4:05 p.m. into Closed Session to be held immediately in the twelfth floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Karen Boger commented regarding her need for information on the Sprint-Telecommunications facilities. She was informed by City Attorney Gwinn that this item will be discussed in Closed Session next week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-029.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Mary Coakley commented regarding her concern of cell towers in our parks and open spaces. She would like to propose the implementation of a 6-month moratorium on the issuance of permits for wireless communication facilities in parklands and open space as well as on residential properties. She mentioned that Carlsbad adopted a resolution to amend its Municipal Code incorporating new policy guidelines with wireless communication facilities that are quite restrictive and protective of its communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-049.)

PUBLIC COMMENT-3:

Laura Riebau commented regarding the mis-application of redevelopment law in the College and Eastern areas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-093.)

PUBLIC COMMENT-4:

Steve McWilliams commented regarding medical Marijuana and criminal related incidences that threaten patience. He also mentioned the need for a legal distribution program for medical Marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-133.)

PUBLIC COMMENT-5:

Ron Boshun commented on his concern over raised sewer rates and his opposition to the sewer expansion. He made brief comments on his opinion of the behavior of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-167.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Madaffer apologized for embarrassing the City in any way for his actions concerning his water account.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A168-183.)

COUNCIL COMMENT-2:

Council Member Peters commented on the City of San Diego being the first in California to ban the possession and sale of Caulerpa taxifolia.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A184-193.)

COUNCIL COMMENT-3:

Council Member Inzunza defended Council Member Madaffer and encourages the City to move forward.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A194-221.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

ITEM-330: Two actions related to Otay Mesa - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Reports CMR-01-179 and CMR-01-154; P. Lamont Ewell's memo dated 8/1/01; Public Facilities Financing Plan and FBA, Fiscal Year 2002, July 2001 Draft. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-306 Cor. Copy) ADOPTED AS RESOLUTION R-295557

Designating an area of benefit in Otay Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2002-307) ADOPTED AS RESOLUTION R-295558

Declaring that the assessment fee schedule contained in the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2002, July 2001, as adopted and approved on September 17, 2001, by Resolution No. R-295454, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Otay Mesa Community;

Declaring that the Docket Supporting Information and the text contained in the Otay Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/01/01, LU&H voted 3-0 to approve the Otay Mesa Public Facilities Financing Plan Fiscal Year 2002, July 2001; the Resolution of Intention for Designation of an area of benefit in Otay Mesa; the Resolution of Designation: Development Impact Fees for development in Otay Mesa that has not paid a Facilities Benefit Assessment or not agreed otherwise to pay a Facilities Benefit Assessment. (Councilmembers Wear, Atkins and Stevens voted yea. Councilmembers Peters and Maienschein not present.)

FILE LOCATION: STRT-FB-6-02 (33)

COUNCIL ACTION: (Tape location: B092-127.)

Hearing began at 10:57 a.m. and halted at 10:59 a.m.

Testimony in opposition by Tevesita Alcaraz.

MOTION BY WEAR TO ADOPT THE RESOLUTIONS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Farshin Samimi Residence.

Matter of the appeal by Orrin Gabsch, President, La Jolla Town Council, of the decision by the Planning Commission denying the appeal of the Hearing Officer's decision and approving the request for the Farshin Samimi Residence, Coastal Development Permit/Hillside Review Permit No. 99-1360 with a revision to Condition No. 18. The project requests a Coastal Development Permit/Hillside Review Permit for the construction of a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a 0.22 acre vacant lot located at 7666 Hillside Drive in the La Jolla Community Plan Area.

(CDP/HRP-99-1360. La Jolla Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to deny the appeal and grant the permit:

Subitem-A: (R-2002-) ADOPTED AS RESOLUTION R-295566

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 99-1360 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council; and adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2002-) **ADOPTED AS RESOLUTION R-295567, DENYING
THE APPEAL AND GRANTING THE PERMIT AS
AMENDED**

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development/Hillside Review Permit No. 99-1360 subject to conditions, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

Project Description:

The Farshin Samimi Residence project proposes to construct a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a vacant 0.22 acre lot. The project site, located at 7666 Hillside Drive, lies within the R1-8000, Coastal Overlay (Nonappealable Area 1), Hillside Review Overlay and the Proposition "D" 30-foot Coastal Height Limit zones of the La Jolla Community Plan area. The project is required to obtain a Coastal Development Permit (SDMC Section 111.1202) for the construction of the proposed single family residence on the existing vacant lot and is located in the Hillside Review Overlay Zone and requires a Hillside Review Permit (SDMC Section 101.0454).

The La Jolla Community Plan designates this site for single-family (0-4 du/ac) residential development. Surrounding land uses include single-family development and open space.

On April 4, 2001, the Hearing Officer approved the Farshin Samimi Residence project. The Hearing Officer determined that findings could be made that the proposed development was in conformance with the Coastal and Hillside Review Overlay zones and the design was sensitive to the hillside and conformed with the Hillside Development Guidelines. Testimony at the hearing included a neighbor, who expressed concerns about conformance and potential impacts to the access road. Additional testimony was given by Joanne Pearson, representing the La Jolla Town Council, with concerns about the change in the amount of impact to the site based on the applicant's consultants findings of non-natural slopes on site, and therefore a reduced impact area into sensitive slopes. Ms. Pearson also submitted a letter from the La Jolla Town Council outlining these issues.

On June 7, 2001, the Planning Commission denied the appeal of the Hearing Officer's decision and approved the proposed project. Although the testimony by the appellant included concern over staff's interpretation of natural slopes, the majority of the discussion centered on the widening of Hillside Drive adjacent to the subject property and condition no. 18 which was revised to:

Prior to the issuance of any building permits, the applicant shall assure by permit and bond, widening of Hillside Drive with enough pavement, and curb and gutter, along the property frontage, addressing public health and safety, and drainage issues, while maintaining the rural character of the neighborhood, satisfactory to the City Engineer.

PERMIT HISTORY

On September 14, 1984, the Planning Director approved HRP No. 84-0535 on the subject property. This permit allowed grading (700 cu. yds. of cut, and 170 cu. yds. of fill - 530 cu. yds. being exported) associated with the development of a two-story, 4,700 sq. ft., single-family residence. The development included vehicular access via a driveway across adjacent Parcels 2 and 3, a lap pool, and associated retaining walls. HRP No. 84-0535 was never utilized and therefore expired. The California Coastal Commission also issued a Coastal Development Permit for the project, Permit No. 6-84-612.

On July 1, 1998, the Hearing Officer denied the Dowlatsahi Residence, CDP/HRP/VAR No. 96-0585. The application proposed to construct a 5,859 sq. ft. multi-level residence with retaining walls and vehicular access via the recorded access easement which included a Variance for a 35% encroachment into slopes 25% gradient or greater where 20% is permitted. On October 15, 1998, the applicant's appeal was heard by the Planning Commission, who denied the appeal of the Hearing Officer's decision and denied the project. The project was denied due to the size of the structure in relation to the size of the lot and the excess encroachment over the permitted amount.

DISCUSSION OF ISSUES

The subject property is a portion of a 71 lot subdivision approved in 1912. In 1978, a lot line adjustment among four of these R1-8000 Zoned lots (Lots 63, 64, 65, and 66), resulted in their current configuration as Parcels 1 through 4 (Parcel Map 7723). The vacant 9,586 sq. ft. Site (Parcel 4), slopes steeply upward from an elevation of 284 feet at Hillside Drive, southward a distance of approximately 169 feet, to an elevation of 348 feet at the southerly property line, a difference of approximately 64 feet.

The site is located on the northwest facing slope of Mount Soledad, overlooking La Jolla Shores. Ninety-one percent (91%) of the property contains slopes which exceed a 25 percent gradient, and is zoned Hillside Review Overlay. Fifty-four percent (54%) of the site retains natural 25 percent or greater slopes. The project proposes to grade 40% of the site, with 940 cubic yards of cut and 120 cubic yards of fill. The project site will contain retaining walls with a maximum height of 8 feet. A geotechnical report has been reviewed and approved by the City Engineering staff.

The site has frontage on Hillside Drive from which vehicular access is provided. Due to topographic constraints, the property is too steep to afford direct access to required off-street parking. Access would be provided to the site via a recorded easement across Parcels 2 and 3, located immediately adjacent to the east.

The proposed project is a 3,219 square foot, two-story single family residence, a 1,059 square foot finished basement with an attached two-car garage. The proposed home would be partially embedded into the hillside with a three-story appearance from the street. The remainder of the lot would be partially landscaped with a large area to remain in its natural state.

The proposed home is a contemporary style with a flat roof and stucco finish. The project is located in a residential neighborhood composed of homes with a variety of designs of similar size and scale to the proposed home. The existing homes in the immediate vicinity are large custom designed homes on lots in excess of 8,000 square feet.

The principal difference between this project and the denied project in 1998, is that the applicant hired a soils testing engineering firm to do a complete Geologic Reconnaissance with borings to determine the extent of fill slopes on the site. The outcome of the testing proved that the natural slopes were significantly less than originally thought and therefore the project has a significantly lower level of encroachment into natural 25 percent or greater gradient slopes.

As identified with Mitigated Negative Declaration 99-1360, the entire site is covered by Diegan Coastal Sage Scrub. The project would impact .0979 acres, below the level of significance and no Mitigation is required. In addition, approximately 3,000 square feet of the lot is located within the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA). The project is consistent with the City's Multiple Species Conservation Program Subarea Plan.

The project site also may contain significant archeological resources. Although a portion of the site is considered disturbed, any remaining prehistorical/historical resources are considered potentially significant and monitoring is required.

Community Planning Group Recommendation - The La Jolla Community Planning Association on February 12, 2001, voted 7-0-1 to recommend approval of the project.

Environmental Impact - Mitigated Negative Declaration No. 99-1360 has been prepared for this project in accordance with State CEQA guidelines. A Mitigation, Monitoring and Reporting Program has been prepared which contains mitigation that would reduce the potential for impacts to Historical Resources to a level below significance.

Fiscal Impact - The cost of processing this project is paid for by the applicant.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - None with this action. The proposed project is exempt from Council Policy 600-03.

Escobar-Eck/JCT

The Planning Commission on June 7, 2001, voted 5-0 to deny the appeal, certify Mitigated Negative Declaration, adopt MMRP, and approve CDP No. 99-1360 with a revision to condition No. 18 to read, "Prior to the issuance of any building permits, the applicant shall assure by permit and bond, the widening of Hillside Drive with enough pavement, curb and gutter, along with property frontage with the proper transition, addressing the public health and safety, and drainage issues while maintaining the rural character of the neighborhood satisfactory to the City Engineer"; was opposition

Yeas: Garcia, Skorepa, Steele, Butler, Stryker
Not Present: Anderson, Brown

Loveland/Christiansen/JT

NOTE: On September 18, 2001, Council voted unanimously to hear the appeal.

LEGAL DESCRIPTION:

The project site is located at 7666 Hillside Avenue, between Castellana Road and Via Sienna on the northwest side of Mount Soledad, in the La Jolla Community and is more particularly described as Parcel 4, La Jolla Hills Map No. 7723.

FILE LOCATION: SUBITEMS A & B: PERM-99-1360 (65)

COUNCIL ACTION: (Tape location: B583-376; D006-310.)

Hearing began at 11:30 a.m. and recessed at 12:00 p.m.

Hearing resumed at 2:05 p.m. and halted at 2:29 p.m.

Testimony in favor by Rebecca Michael and Bejan Arfaa.

Testimony in opposition by Orrin Gabsch.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND GRANT THE PERMIT WITH THE FOLLOWING AMENDMENTS: SHIFT THE ENTIRE PROJECT FORWARD BY AT LEAST FIVE FEET TO THE MAXIMUM EXTENT OF TEN FEET FROM THE FRONT HILLSIDE. SHIFT IT OFF THE BACK HILLSIDE WHERE IT IS ENCROACHING INTO THE STEEP HILLSIDE. DO NOT PERMIT THE WIDENING OF HILLSIDE DRIVE WHICH WOULD REQUIRE A RETAINING WALL. SECURE THE REMAINDER OF THE SITE BY DEDICATION SO AS TO ENSURE NO FURTHER SITE DEVELOPMENT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: The Gray Residence.

Matter of the City Council reconsidering the appeal by AT&T Wireless Services, of the May 3, 2001, decision of denial by the Planning Commission for an application for a wireless communication facility consisting of six pole mounted panel antennas and associated electronic equipment on a .22 acre site located at 13003 Avenida Grande in the Rancho Penasquitos Community Planning Area.

(CUP-99-0464-54. Rancho Penasquitos Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to grant the appeal and grant the permit; and adopt the resolution in subitem B:

Subitem-A: (R-2002-) CONTINUED TO TUESDAY, NOVEMBER 6, 2001

Adoption of a Resolution granting or denying the appeal and granting or denying the Conditional Use Permit No. 99-0464-54, with appropriate findings to support Council action.

Subitem-B: (R-2002-) CONTINUED TO TUESDAY, NOVEMBER 6, 2001

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration (END) LDR No. 99-0464-54 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State Guidelines thereto (California Administrative Code Section 15000 et seq.), and that said END reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081;

and that based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment.

OTHER RECOMMENDATIONS:

Planning Commission on February 1, 2001, voted 6 - 0 to deny the project and approve the written CUP findings provided at this hearing with a revision to findings C and D to substitute the words "commercially zoned" with "non-residential zones," and approve certification of the negative declaration; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker, Garcia
Not present: Skorepa

The Rancho Penasquitos Planning Board on January 3, 2001, voted 13-0-0, to recommend denial of this project.

SUPPORTING INFORMATION:

The project proposes to install and operate a wireless telecommunication facility on a 0.22 acre site located at 13003 Avenida Grande. The Rancho Penasquitos Community Plan designates the site for low density residential land use. The property is zoned RS-1-7 (formerly R-1-5,000). The property is developed with a single-family residence and surrounded by similar single-family development to the north, east and west. The site is adjacent to Open Space to the south and overlooks State Route 15 to the southeast. The rear portion of the site is identified on City Zoning Maps as containing steep hillsides (formerly Hillside Review Overlay), however, analysis of the site has determined that the slopes are manmade and are comprised of fill material created with the grading and development of the subdivision. These slopes contain no sensitive environmental resources.

The project proposes six, pole-mounted directional panel antennas on four, sixteen foot high poles and an accessory equipment area. The original project submittal proposed a thirty foot tall mono-palm design. Subsequent design variations included discussions with area neighbors and city staff of a mono-"pine" and a faux-chimney. All of these design alternatives, including the recent proposal, have been met with opposition from the surrounding neighborhood.

The proposed facility would consist of four, sixteen foot high poles with either one or two antennas attached at the top (the sixteen feet includes the antennas). Each of the four poles is approximately 12-inches in diameter. The six panel antennas have an approximate dimension of 16-inches wide by 60-inches tall by 4-inches deep. The facility includes an equipment area that is proposed to be located on the slope adjacent to the antennas. The equipment area consists of a 220 square-foot concrete pad surrounded by a block wall and a wood fence. The equipment enclosure would contain the associated electronic cabinets and power supply for the facility.

FISCAL IMPACT: None.

All costs associated with the processing of this application are paid for by the applicant.

Loveland/Christiansen/JPH

LEGAL DESCRIPTION:

The project site is located at 13003 Avenida Grande in the Rancho Penasquitos Community and is more particularly described as Lot 29, Penasquitos View Unit 1, of Map No. 6654.

FILE LOCATION: SUBITEMS A & B: PERM -99-0464-54 (65)

COUNCIL ACTION: (Tape location: D315-F428.)

Hearing began at 2:30 p.m. and halted at 4:02 p.m.

Testimony in favor by Jeremy Stern.

Testimony in opposition by Sandy LaFaro, Mary Copley, Donna Lee, Dick Flannigan.

Motion by Madaffer to adopt the resolution in Subitem A; and adopt the Resolution in Subitem B to deny the appeal and grant the permit with the stipulation that AT&T will take up to 30 days to look for another more suitable site. If AT&T finds another site, the City of San Diego will expedite the permit process for this site. Second by Wear. Motion withdrawn by Madaffer.

MOTION BY WEAR TO CONTINUE TO NOVEMBER 6, 2001, WITH THE FOLLOWING DIRECTIONS: CITY STAFF SHALL PROVIDE THE EXACT DATE FOR THE NOTICE OF DETERMINATION TO ENSURE ONE HAS BEEN FILED. REVIEW POSSIBLE ENVIRONMENTAL IMPACTS SUCH AS SETBACKS AND NOISE. THE DEVELOPER AND THE COMMUNITY SHALL WORK TOGETHER TO INVESTIGATE OTHER MORE SUITABLE SITES SUCH AS THE NOKIA SITE AND CANYON HILLS RESOURCE PARK. CITY STAFF SHALL BRING BACK ALTERNATIVE FINDINGS TO GIVE COUNCIL MORE VOTING OPTIONS. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Coca-Cola Bottling Plant.

Matter of approving, conditionally approving, modifying or denying a request to amend the General Plan/Mid-City Communities Plan/Central Urbanized Planned District Ordinance to change the land use designation from multi-family residential to industrial, a rezone from RM-1-2 to IL-3-1, a street vacation for a portion of Beech Street and Site Development Permit No. 40-0158 to construct a truck parking facility on a 3.085-acre site located at 1348 47th Street.

(GPA/MCCPA/PDO/RZ/SV/SDP-40-0158. Mid-City Communities Plan area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and C; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem D to grant the street vacation; and introduce the ordinance in subitem E:

Subitem-A: (R-2002-465) ADOPTED AS RESOLUTION R-295559

Adoption of a Resolution amending the Mid-City Communities Plan, by incorporation therein of rescinding the multi-family residential land use designation and designating the Site as industrial;

And amending the Progress Guide and General Plan for the City of San Diego to incorporate the Mid-City Communities Plan amendment.

Subitem-B: (R-2002-) GRANTED PERMIT; ADOPTED AS
RESOLUTION R-295560

Adoption of a Resolution granting or denying Site Development Permit No. 40-0158, with appropriate findings to support Council action.

Subitem-C: (R-2002-464) ADOPTED AS RESOLUTION R-295561

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration LDR No. 40-0158 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Coca Cola Bottling facility;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

And that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-D: (R-2002-466 COR. COPY) ADOPTED AS RESOLUTION R-295562

Adoption of a Resolution authorizing the vacation of a portion of Beech Street located within the Mid-City Communities Plan area.

Subitem-E: (O-2002-31) INTRODUCED; TO BE ADOPTED ON MONDAY,
OCTOBER 22, 2001

Introduction of an Ordinance changing a portion of a 3.085 acre site located at 1348 47th Street between Federal Boulevard and State Highway 94, in the Mid-City Communities Plan area, from the RM-1-2 (Residential-Multiple Unit) zone into the IL-3-1 (Industrial-Light) zone, as defined by San Diego Municipal Code Section 131.0603; and repealing Ordinance No. O-12489 (New Series), adopted November 13, 1978, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 28, 2001, voted 6 - 0 to approve with conditions; was opposition.

Ayes: Stryker, Anderson, Lettieri, Brown, Butler, Garcia
Recusing: Schultz

The City Heights Area Planning Committee has recommended approval of the project.

SUPPORTING INFORMATION:

The 3.085-acre vacant site is located at 1348 47th Street and is zoned RM-1-2. Although the subject property abuts property designated for industrial use to the north and west, and the Martin Luther King, Jr., Freeway to the south, the Neighborhoods Element of the Mid-City Communities Plan designates the site for multi-family residential use. The community plan, adopted in 1998, reflects the land use present on the larger portion of the property at the time of adoption. The site is surrounded by the Coca Cola Bottling Company, an industrial use, to the north, south and west. Single family homes are located to the east across 47th Street. Coca Cola currently operates a bottling plant on the industrially zoned property immediately adjacent to the subject site. Coca Cola is seeking to have 75 truck parking spaces on the subject that is zoned residential. The request to rezone the property from RM-1-2 to IL-3-1 will permit the truck parking and remove an incompatible residential use, thereby creating a uniform industrial zoning scheme along the western side of 47th Street.

The site was previously occupied by a 54-unit apartment complex. The complex had been under a Department of Housing and Urban Development (HUD) Moderate Rehabilitation contract. When the 15-year contract with HUD expired in 1996, the owner chose to enter into a year-to-year Section 8 Contract with HUD. This contract provided rental assistance to the 52 families. The owner informed HUD, in 1999, that the yearly Section 8 Contract would not be renewed and that the property would be sold. HUD provided to the Housing Commission 52 Special Section 8 Certificates for the 52 impacted families to locate with rental assistance.

Once the families obtained the Section 8 Certificates and moved into other housing, the project became an unrestricted market apartment project. Because the apartment complex was no longer under contract with HUD and were free market value units demolition of them in January, 2001 did not result in a reduction of affordable housing stock in San Diego.

The following actions are recommended for approval.

1. Certify - Mitigated Negative Declaration No. 40-0158.
2. Community Plan Amendment - Amend the Progress Guide and General Plan to change the land use designation for the subject site from multi-family residential to industrial.
3. Rezone - Rezone the site from RM-1-2 to IL-3-1.
4. Street Vacation - Vacate a portion of Beech Street.
5. Site Development Permit No. 40-0158 - To construct a 75 space parking lot to serve the existing Coca-Cola bottling plant that is located immediately adjacent to the subject site.

The proposed truck parking lot to serve the existing on-site Coca Cola facilities is not expected to generate new daily trips or result in any traffic impacts on the surrounding roadways.

Development Services Department Recommendation - Staff recommends approval of items 1 - 5 above.

Planning Commission - On June 28, 2001 the Planning Commission voted 6 to 0 in support of the project as proposed.

Community Planning Group - On May 1, 2001 the City Heights Area Planning Committee voted 10:0:0 in support of the project.

Loveland/Christiansen/PXG

LEGAL DESCRIPTION:

The proposed project is located at 1348 47th Street between Federal Boulevard and State Highway 94 and is more particularly described as Lot 1, Fairmount Gardens, Map 3048.

FILE LOCATION: Subitems A,B,C,D: LAND- Progress Guide & General Plan/Mid-City Communities Area/Coca-Cola (09)
Subitem E: None.

COUNCIL ACTION: (Tape location: B128-582.)

Hearing began at 11:00 a.m. and halted at 11:29 a.m.

Testimony in favor by Lynne Heidel and Bob Phillips.

Testimony in opposition by Mel Shapiro.

MOTION BY STEVENS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND C; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT; ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE STREET VACATION; AND INTRODUCE THE ORDINANCE IN SUBITEM E WITH THE FOLLOWING DIRECTION: A) THAT THE 11-FOOT WALL THAT WILL BE PLACED THERE HAVE SOME GEOMETRIC-TYPE DESIGN AT THE TOP OF THE WALL FOR APPEARANCE; B) BE SURE TO PLANT TREES. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Vacation of a Portion of Hardy Avenue.

(College Community Area. District-7.)

(Continued from the meeting of 9/18/2001, Item 331, at the City Manager's request, for further review.)

NOTE: Hearing Open. No public testimony taken on 9/18/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-174) ADOPTED AS RESOLUTION R-295563

Vacating the portion of Hardy Avenue within the College Area Community Plan area, as described in the legal description marked Exhibit "A," and shown on Drawing No. 19300-B marked Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Hardy Avenue in the College Area within Council District 7. The San Diego State Foundation is the owner on both the north and the south sides of Hardy Avenue and intends to develop the site by building fraternity housing. The San Diego State Foundation has dedicated another portion of land to realign the street. On January 18, 2001 the College Area Community Council recommended approval of the street vacation unanimously. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FISCAL IMPACT:

None.

Loveland/Haase/AA

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2927 (39)

COUNCIL ACTION: (Tape location: B063-091.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:05 p.m. in honor of the memory of:

Evelyn Herrmann at the request of Mayor Murphy, and
Ron Cunningham at the request of Council Member Frye and Council Member Wear.